

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH**

O.A. Nos.76, 77, 78, 79 & 80 of 2021

**CORAM:**

HON'BLE MR. SWARUP KUMAR MISHRA, MEMBER(J)  
HON'BLE MR. T. JACOB, MEMBER(A)

**IN O.A NO.76 of 2021**

Biswajit Pandab, S/o Bibekananda Pandab, R/O-At/Po-Mangarajput, Via:Charbatia, Cuttack-754028, Odisha at present working as JFA (PMA), Para Dispatch Section, ARC, Charbatia, PIN-754028. Odisha.

.....Applicant

VERSUS

1. Union of India represented through the Special Secretary, ARC Hq. Cabinet Secretariat, East Block-V, RK Puram, New Delhi-110066.
2. Director General of Security, Aviation Research Centre, Cabinet Secretariat, East Block-V, RK Puram, New Delhi-110066.
3. Secretary, Department of Personnel and Training, Government of India, North Block, New Delhi-110001
4. Joint Director(A), ARC, Charbatia, PIN-754028, Odisha.

.....Respondents.

For the applicant : Mr. S. Mohanty

For the respondents: Mr. M.R. Mohanty

**IN O.A NO.77 of 2021**

Dipaka Kumar Sahoo, S/o Nanda Kishore Sahoo, Permanent and Present Address: R/o-Mahisaland, PO-Dadijoda Brahamapur, Cuttack-754028, Odisha at present posted as JFA (ACA), ARC, Charbatia, PIN-754028. Odisha.

.....Applicant

VERSUS

1. Union of India represented through the Special Secretary, ARC Hq. Cabinet Secretariat, East Block-V, RK Puram, New Delhi-110066.
2. Director General of Security, Aviation Research Centre, Cabinet Secretariat, East Block-V, RK Puram, New Delhi-110066.
3. Secretary, Department of Personnel and Training, Government of India, North Block, New Delhi-110001
4. Joint Director(A), ARC, Charbatia, PIN-754028, Odisha.
5. Chief Engineer, ARC Headquarters, East Block-V, RK Puram, New Delhi-110066.

.....Respondents.

For the applicant : Mr. S. Mohanty

For the respondents: Mr. R.K. Kanungo

**IN O.A NO.78 of 2021**

Pankaj Kumar Sahoo, S/o- Gagan Chandra Sahoo, Permanent R/o- Baramanapatana, PO-Laxminarayanpur, PS-Pipili, Dist-Puri-752100, Odisha at present R/o-Qr. No.2RA/92, ARC, Charbatia and presently posted as JFA (ACA), ARC, Charbatia, PIN-754028. Odisha.

.....Applicant

**VERSUS**

1. Union of India represented through the Special Secretary, ARC Hq. Cabinet Secretariat, East Block-V, RK Puram, New Delhi-110066.
2. Director General of Security, Aviation Research Centre, Cabinet Secretariat, East Block-V, RK Puram, New Delhi-110066.
3. Secretary, Department of Personnel and Training, Government of India, North Block, New Delhi-110001
4. Joint Director(A), ARC, Charbatia, PIN-754028, Odisha.
5. Chief Engineer, ARC Headquarters, East Block-V, RK Puram, New Delhi-110066.

.....Respondents.

For the applicant : Mr. S. Mohanty

For the respondents: Mr. A.K. Mohapatra

**IN O.A NO.79 of 2021**

Chandan Behera, S/o- Dhaneswar Behera, Permanent resident of Tola Gopinathpur, PO-Jallarpur, PS-Niali, Cuttack, Odisha at present Qr. No.2RA/83, ARC, Charbatia and presently posted as JFA (ACA), ARC, Charbatia, PIN-754028. Odisha.

.....Applicant

**VERSUS**

1. Union of India represented through the Special Secretary, ARC Hq. Cabinet Secretariat, East Block-V, RK Puram, New Delhi-110066.
2. Director General of Security, Aviation Research Centre, Cabinet Secretariat, East Block-V, RK Puram, New Delhi-110066.
3. Secretary, Department of Personnel and Training, Government of India, North Block, New Delhi-110001
4. Joint Director(A), ARC, Charbatia, PIN-754028, Odisha.
5. Chief Engineer, ARC Headquarters, East Block-V, RK Puram, New Delhi-110066.

.....Respondents.

For the applicant : Mr. S. Mohanty

For the respondents: Ms. S.B. Das

**IN O.A NO.80 of 2021**

Siba Prasad Khandayatray, S/o Kailash Chandra Khandayatray, R/O-At:Niladri Vihar, PO-Nayabazar, Cuttack-753004, Odisha at present working as JFA (PMA), Para Dispatch Section, ARC, Charbatia, PIN-754028. Odisha.

.....Applicant

**VERSUS**

1. Union of India represented through the Special Secretary, ARC Hq. Cabinet Secretariat, East Block-V, RK Puram, New Delhi-110066.
2. Director General of Security, Aviation Research Centre, Cabinet Secretariat, East Block-V, RK Puram, New Delhi-110066.
3. Secretary, Department of Personnel and Training, Government of India, North Block, New Delhi-110001
4. Joint Director(A), ARC, Charbatia, PIN-754028, Odisha.

.....Respondents.

For the applicant : Mr. S. Mohanty

For the respondents: Mr. B. Swain

Heard & reserved on : 19.03.2021

Order on :21.04.2021

**O R D E R**

**Per Hon'ble Mr. Swarup Kumar Mishra, Member (J):-**

Since common question of facts & law involved in all these matters for the sake of convenience we refer the facts in O.A. No.77 of 2021 as under:-

2. The applicant had filed the OA No. 77/2021 challenging the order dated 11.09.2020 (Annexure A/6) issued by Respondent No. 2 by which existing DG (S) (Miscellaneous Cadre) recruitment rules 2010 has been revised and the post of Junior Field Assistant has been re-designated as Multi Tasking Staff. The applicant had prayed for following interim relief:

***“Stay operation of the order issued vide the Letter no. IX (1)/ARC/P.VIII/2019-649, Dated 11.09.2020 by the Respondent No. 2 at the Annexure – 6 and the applicant shall not be disturbed from his present posting during the pendency of the present OA.”***

3. The Respondents had filed short reply inter alia submitting that after implementation of 6<sup>th</sup> CPC, DoP&T vide OM dated 30.04.2010 (Annexure R/1) had advised all Ministries/Depts to stop further recruitment in Group D and existing Group D personnel be placed in Group C with Grade pay of Rs. 1800/- (now level 1 as per 7<sup>th</sup> CPC) and all employees placed under this upgradation need to be utilized for multi tasking. The DoPT had also instructed that the Depts. to prepare their proposal and amend the RRs for the erstwhile Group D post on the above lines by adopting the designation of Multi Tasking Staff. Thereafter as per guidelines of DoPT OM recruitment rules 2010 in respect of Junior Field Assistant had been revised and notified vide Cabinet Secretariat notification dated 13.07.2020. The respondents submitted that duties attached to the post of MTS is illustrative and not exhaustive and there are no changes w.r.t. their eligibility, pay and promotional avenues of the applicants. The respondents submitted that 21 representations including the applicant was sent to ARC Hqrs and after approval of Competent Authority vide OM dated 02.12.2020 (Annexure R/2) disposed of the representation wherein all facts and circumstances which led to the change in designation have been elaborated and further it is also mentioned that the existing officials will continue to perform the tasks that they have been doing hitherto and they can be engaged in other miscellaneous work during their idle time.

4. Heard learned counsels for both the sides and order on interim relief was reserved on 19.03.2020. We have considered the contentions advanced by rival parties. We find that as per Recruitment Rules (mentioned in the advertisement under Annexure A/1 issued on 10.09.2012) ‘10<sup>th</sup> pass and/or ITI from recognized

board or institution' was the essential qualification for the posts of Junior Field Assistant (Air Craft Assistant).

5. It is the case of the applicant that as per the charter of duty of JFA (ACA) issued by Respondent Department on 26.09.2008 at Annexure A/3 he was to perform the duties of technical in nature, for which he had become technically well trained to perform his duties of rendering assistance as air craft assistant, whereas in view of the circular issued vide Annexure A/5 he is required to perform duties other than the duties performed by him as per duties chart under Annexure a/3 viz; Horse Keeping, Hair Cutting, Cobbler, Tailoring, Washing utensils, Clothes, sheets etc which was not his duty as per the duties chart under Annexure A/3. It is the contention of the applicant that the respondents have changed his duties detrimental to his interest retrospectively without giving him any opportunity.

6. It is seen that the change of nomenclature of the posts making all of them as MTS was done in accordance with DOPT OM dated 30.01.2010 which was issued on recommendation of 6<sup>th</sup> CPC upgrading the post of Group D to Group C in PB 1 with GP Rs. 1800/-. In the said OM it was made clear that other categories of posts, Ministries/Departments may adopt single designation for posts whose duties are similar in nature and where the officials can easily be switched from one task to another. The applicant has not challenged this DOPT OM which is the basis of amendment of recruitment rule and order impugned in this OA. This apart we find that this is a policy matter and in policy matters judicial intervention is very very limited unless otherwise it is shown to be discriminatory or opposed to constitutional mandate which can only be found after filing of detailed counter. In the order impugned it has been clearly mentioned that existing officials will continue to perform the task that they have been doing hitherto and they can only be engaged in other miscellaneous work during their idle time. It is not the case of the applicant that any of the employees have been engaged with any such work which he was performing hitherto.

7. In view of the above, we do not find any justifiable reason to grant ad-interim stay at this stage without considering the counter to be filed by the respondents.

8. List on 30.06.2021.

(T. JACOB)  
MEMBER (A)

(SWARUP KUMAR MISHRA)  
MEMBER (J)

(csk)